

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KHAMPHONY PHOMMA : CIVIL ACTION
v. :
JOHN W. KERESTES, et al. : NO. 11-5832

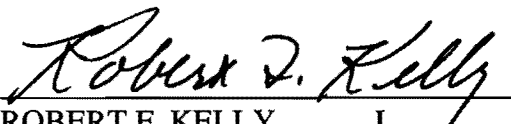
ORDER

AND NOW, this *6th* day of *Jan.*, 201*2* upon careful and independent consideration of the pleadings and record herein, and after review of the Report and Recommendation of United States Magistrate Judge Thomas J. Rueter, it is hereby

ORDERED

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. The petition for a writ of habeas corpus is **DISMISSED WITHOUT PREJUDICE**; and
3. A certificate of appealability is not granted.

BY THE COURT:


ROBERT F. KELLY, J.